



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 19, 1998

Ms. Kaye Holland Edwards
Assistant City Attorney
The City of San Angelo
P.O. Box 1751
San Angelo, Texas 76902

OR98-1976

Dear Ms. Edwards:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117661.

The City of San Angelo (the "city") received a request for information concerning a zoning violation investigation. You submitted to this office for review copies of the documents that the city contends are excepted from disclosure. You assert that the submitted documents are protected from disclosure under section 552.108 of the Government Code, and that some of the documents also may be confidential under section 552.101 of the Government Code.

Section 552.101 of the Government Code protects from disclosure information that is made confidential by law. You assert that two pages of the submitted documents are protected under section 552.101 of the Government Code in conjunction with provisions of the Veterinary Licensing Act, article 8890 of Vernon's Texas Civil Statutes. Section 18E(a) of article 8890 provides:

A veterinarian may not violate the confidential relationship between the veterinarian and a client and may not be required to disclose any information concerning the veterinarian's care for an animal except on written authorization or another form of waiver executed by the client or on receipt by the veterinarian of an appropriate court order or subpoena.

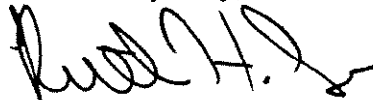
Access to this type of information is governed by the provisions of the Veterinary Licensing Act. Open Records Decision No. 598 (1991). We note that we are unable to determine if the

marked pages are records of a veterinarian or of another party. If the marked pages are records of a veterinarian, we agree that these records may not be released to the requestor without a written authorization from the client or as otherwise provided by section 18E(a). However, if they are not records of a veterinarian, then we address their release under your section 552.108 argument.

You assert that section 552.108 protects all of the submitted records from disclosure. You state that the zoning officer is investigating a possible violation of the city zoning ordinances. You indicate that such a violation, if shown, would be a Class C misdemeanor, and the case would be forwarded to the appropriate law enforcement authorities for prosecution. Section 552.108 may be invoked by the proper custodian of information relating to an ongoing investigation or prosecution of criminal conduct, if the investigation may lead to the filing of criminal charges. Open Records Decision No. 474 at 4-5 (1987). Based upon the information that you have provided, we agree that the records may be withheld at this time under section 552.108.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 117661

Enclosures: Submitted documents

cc: Ms. Teresa Arnett
P.O. Box 61413
San Angelo, Texas 76906
(w/o enclosures)